

(2021) 04 JH CK 0083
In the Jharkhand High Court
Case No : A.B.A. No. 2752 Of 2021

Balmiki Choudhary And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 08-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 175, 379
Jharkhand Mineral (Prevention of illegal Mining) Transportation & Storage Rule, 2017
— Rule 7, 9
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0083

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : R.R. Shekhar Singh, P.K. Chatterjee

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Taljhari P.S. Case No.106 of 2020 registered under sections 379/175 of the Indian Penal Code, under section 21(6) & 1(A) of JMMDR, under section 4/54 of JMMC and under section 7/9 of the Jharkhand Mineral (Prevention of illegal Mining) Transportation & Storage Rule, 2017.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioner no.1 is the owner and petitioner no.2 is the driver of the truck which was seized by police for transporting illegally excavated sand. It is further submitted that the allegations against the petitioners are all false. It is then submitted that the petitioners are ready and willing to furnish sufficient security including cash security and undertake to cooperate with the investigation of the case. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioners be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of six weeks from the date of this order, they shall be released on bail on depositing cash security of Rs.10,000/- each and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Rajmahal, in connection with Taljhari P.S. Case No.106 of 2020 with the condition that the petitioners will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish their mobile number and a copy of their Aadhar Card in the court below with the undertaking that they will not change their mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.